

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Case No. 16-cr-20172
Honorable Linda V. Parker

KEVONDRICK M. JOHNSON,

Defendant.

**OPINION AND ORDER GRANTING DEFENDANT'S MOTION FOR A
FREE COURT REPORTER'S RECORD**

On February 13, 2017, Defendant Kevondrick M. Johnson (“Defendant”) pleaded guilty to one count of felon in possession of firearm in violation of 18 U.S.C. § 922(g)(1). (ECF No. 28, filed Apr. 12, 2017.) On July 20, 2017, the Court entered judgment against Defendant and sentenced him to 67 months in prison with one year of supervised release. (ECF No. 33.) On November 15, 2017, Defendant filed a Motion to Vacate pursuant to 28 U.S.C. § 2255. (ECF No. 38.) Presently before the Court is Defendant’s Motion for a Free Court Reporter’s Record filed December 5, 2017. (ECF No. 42.)

28 U.S.C. § 753(f) governs the production of transcripts and provides in pertinent part:

Fees for transcripts furnished in proceedings brought under section 2255 of this title [28 USCS § 2255] to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeals is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Defendant has the burden of making a particularized showing of why the requested transcript is necessary to proceed with his claim. *See Reid v. United States*, No. 2:15-cv-02118, 2016 U.S. Dist. LEXIS 59186, at *3 (W.D. Tenn. May 4, 2016); *see also Hoover v. United States*, 416 F.2d 431, 432 (6th Cir. 1969) (“[W]here the petitioner seeking a transcript has stated the reasons why he believes his conviction is contrary to law and a transcript is indispensable to the filing of a motion, then it may be granted at the government’s expense.”)

Here, Defendant has sufficiently articulated how a copy of the transcript from the April 12, 2017 plea hearing will aid with his motion. Although Defendant raises many claims, one of the claims that can be resolved by the plea transcript is the claim that the Court failed to establish a factual basis during his plea. The April 12, 2017 transcript will likely include substantive information to aid the Court in resolving Defendant’s § 2255 motion. Therefore, the Court grants Defendant’s request.

Accordingly,

IT IS ORDERED that Defendant's motion (ECF No. 42) is **GRANTED**.

Dated: January 19, 2018

s/Linda V. Parker

U.S. District Court Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 19, 2018, by electronic and/or ordinary mail.

s/Julie Owens acting in the Absence of Richard Louri

Case Manager